

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IAN GREENE,

Plaintiff,

vs.

THE BRACHFELD LAW GROUP, P.C.,

Defendants.

CIVIL ACTION NO.:

**NOTICE OF REMOVAL**

TO THE HONORABLE JUDGES AND CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS, WORCESTER DIVISION.

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant, The Brachfeld Law Group ("Brachfeld"), hereby removes to this Court the above-entitled action based upon the following supporting grounds:

1. On or about August 23, 2010, an action ("the Complaint") was commenced against the above-named defendants in the Trial Court for the Commonwealth of Massachusetts, Worcester Superior Court, captioned *Ian Greene v. The Brachfeld Law Group, P.C.*, Civil Action No.: WOCV2010-01885-A. A copy of the Complaint, including all the process, pleadings and orders received by Brachfeld in this action, to wit: documents bates numbered 1 through 33, are attached as Exhibit A.

2. On or about November 9, 2010 Brachfeld was served with a copy of the Complaint.

3. Removal is timely under 28 U.S.C. § 1446(b), as thirty (30) days have not elapsed since Brachfeld first received a copy of the Complaint.

4. Plaintiff is a citizen of the Commonwealth of Massachusetts, residing at 282 Riverlin Street Milbury, MA. Comp. ¶ 1.

5. Brachfeld is a foreign corporation with a principal place of business located at 880 Apollo Street, El Segundo, California. Comp. ¶ 2.

6. Plaintiff's Complaint includes claims under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.* (Count I), along with a claim for violations of G.L. c. 93A (Count II).

7. 15 U.S.C. § 1692 *et seq.* is a Federal statute which provides, among other things, that a consumer can file a civil action when alleged unlawful debt collection practices have been used against him by a debt collector.

8. Pursuant to 28 U.S.C. § 1331, the Court has original jurisdiction over this matter as the Plaintiff's claims under 15 U.S.C. § 1692 arise under the laws of the United States. Additionally, this Court also has supplemental jurisdiction over all other related claims pursuant to 28 U.S.C. § 1367(a). Plaintiff's state law claims do not raise novel or complex issues of State law or otherwise predominate over Plaintiff's claims under the FDCPA.

9. Removal of this action to this Court is permissible under the provisions of 28 U.S.C. § 1441 in that it is a civil action founded on a claim or right arising under the laws of the United States. Furthermore, the state causes of action are so related to the claim under 15 U.S.C. § 1692 that they form part of the same case or controversy under Article III of the United States Constitution.

10. In accordance with 28 U.S.C. § 1446(d), written notice of the filing of this removal notice will be given to Plaintiff and will be filed with the Clerk of Courts for Worcester Superior Court, following the filing of this notice.

11. In submitting this Notice of Removal, Brachfeld reserves all defenses, including lack of personal jurisdiction.

WHEREFORE, Defendant, The Brachfeld Law Group, P.C., hereby removes this action from Worcester Superior Court to the United States District Court For The District Of Massachusetts, Worcester Division.

Respectfully submitted,  
THE BRACHFELD LAW GROUP, P.C.  
By Its Attorneys,

Andrew M. Schneiderman, BBO #666252  
Hinshaw & Culbertson LLP  
One International Place, 3rd Floor  
Boston, MA 02110  
617-213-7000

Date:

12/9/10

**CERTIFICATE OF SERVICE**

I, Andrew M. Schneiderman, hereby certify that on this 9<sup>th</sup> day of December 2010, I served a true and accurate copy of the foregoing document to counsel of record via facsimile and First Class mail as follows:

G. Christopher Gleason  
The Rose Law Firm, PLLC  
501 New Karner Road,  
Albany, NY 12205

Andrew M. Schneiderman